



Planning Committee Map

Site address: Units 1-6 Inc, 82 Chaplin Road, London, NW2

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This map is indicative only.

RECEIVED: 30 April, 2013

WARD: Willesden Green

PLANNING AREA: Willesden Consultative Forum

LOCATION: Units 1-6 Inc, 82 Chaplin Road, London, NW2

PROPOSAL: Retrospective application for redevelopment of building, including first floor extension, and increase in number of office units from 8 to 12, with installation of new front UPVC windows and 5 rooflights

APPLICANT: Mr Vijay Kara

CONTACT: Dan Design

PLAN NO'S:
See condition 1.

RECOMMENDATION

Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning or other duly authorised person to agree the exact terms thereof on advice from the Director of Legal Services and Procurement.

SECTION 106 DETAILS

The application requires a Section 106 Agreement, in order to secure the following benefits:-

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- The production and approval of a detailed Delivery and Servicing Management Plan for the proposed units, in order to comply with Policy TRN34 of the UDP-2004
- Car free agreement preventing businesses occupying the units applying for business permits.

And, to authorise the Head of Area Planning, or other duly authorised person, to refuse planning permission if the applicant has failed to demonstrate the ability to provide for the above terms and meet the policies of the Unitary Development Plan and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement.

This application is liable for Community Infrastructure Levy.(CIL) . The Mayor's contribution would be is £17,319.82.

EXISTING

The application site is located on the south-western side of Chaplin Road, a local access road which is defined as being heavily parked. The site lies within CPZ "GC" which operates 08:30 – 18:30 Monday to Friday, and has very good accessibility with a PTAL rating of level 5. Dollis Hill Station (Jubilee tube) is within walking distance of the site, and nine bus routes are locally available. The site currently comprises a two-storey building (484m²) on a backland site, arranged around a central courtyard accessed along a narrow (2.5m wide) driveway between two residential properties. The buildings lawful use is as 8 no. commercial units, but has planning permission under ref. 09/2455 for use as six commercial units. Its current arrangement is as 12 B1 units with individual floor areas of between 26m² and 47m²

DEVELOPMENT SCHEDULE

The table(s) below indicate the existing and proposed uses at the site and their respective floorspace and a breakdown of any dwellings proposed at the site.

Floorspace Breakdown

USE

Number	Primary Use	Sub Use
1	general business use	GENERAL BUSINESS USE (BI)

FLOORSPACE in sqm

Number	Existing	Retained	Lost	New	Net gain
1	446	446	0	38	484

TOTALS in sqm

Totals	Existing	Retained	Lost	New	Net gain

PROPOSAL

See above.

HISTORY

09/2455 Planning permission GRANTED 17/03/2010 - Redevelopment of building, including extension to facing courtyard walls and reduction in number of office units from 8 to 6, with installation of new front UPVC windows and 5 rooflights.

12/2345 Planning application submitted 20/11/2012, WITHDRAWN 09/01/2013 - Redevelopment of building, including first floor extension, and increase in number of office units from 8 to 12, with installation of new front UPVC windows and 5 rooflights.

E/12/0692 Enforcement Notice SERVED - Without planning permission, the change of use of the premises into 12 self-contained dwellings("the unauthorised change of use").

POLICY CONSIDERATIONS

National Planning Policy _

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and replaces Planning Policy Guidance and Planning Policy Statements with immediate effect. Its includes a presumption in favour of sustainable development in both plan making and decision making. It is considered that the saved policies referred to in the adopted UDP and Core Strategy are in conformity with the NPPF and are still relevant.

Accordingly, the policies contained within the adopted SPG's, London Borough of Brent Unitary Development Plan 2004 and Core Strategy 2010 carry considerable weight in the determination of planning applications and appeals.

Brent Unitary Development Plan 2004

BE2	Townscape: Local Context and Character
BE9	Architectural Quality
TRN22	Parking Standards: Non-Residential Developments
EMP2	Small and Medium Sized Enterprises
EMP10	The Environmental Impact of Employment Development

Supplementary Planning Guidance 17 'Design Guide for New Development'

CONSULTATION

External

68 Neighbouring owner/occupiers consulted 30/04/2013 and letters sent to ward Councillors. To date 3 objections have been received including a single objection from Ward Councillor Jones. Residents raised the following points;

- Applicant has history of unlawful residential conversions, is likely to convert the property into flats once approval is acquired
- Noise disturbances from previous works in the past
- Refuse build up from unlawful residential use

Ward Councillor comments are as follows;

- History of applicant working outside of sociable hours in other instances locally generating noise complaints resulting in enforcement visits(E/12/0819).
- Applicant had application ref:93/1663 for redevelopment of commercial site into flats refused. Residential use was implemented and owing to four year tenant period was subsequently able to benefit from established use.
- 82 Chaplin Road used for residential unlawfully with unacceptable results to neighbouring residential amenity with regard to noise and disturbances during construction, lack of refuse collection, increased vehicular and pedestrian activity on a 24 hour basis.

Internal

No transportation objections subject to a Section 106 Legal Agreement requiring; the production and approval of a detailed Delivery and Servicing Management Plan for the proposed units, in order to comply with Policy TRN34 of the UDP-2004, and the a car free agreement preventing businesses occupying the units applying for business permits. In addition a condition requiring the submission of further details of bicycle parking is recommended.

REMARKS

1. **Background**

Planning permission under reference 09/2455 was granted 17/03/2010 for the redevelopment of building, comprising *'extension to facing courtyard walls and reduction in number of office units from 8 to 6, with installation of new front UPVC windows and 5 rooflights'*. Planning enforcement received notification from adjoining neighbours that the site was in use as residential. Between the months of May and June in 2012, Enforcement Officers visited the site and found no evidence of residential accommodation, rather the intensification of the site to 12 Office units was evident, which was, in itself, a breach of planning. The owner was then instructed to either regularise the use through a planning application or implement the consented scheme comprising 6 units. A planning application to increase the number of office units from 8 to 12 was subsequently submitted 20/11/2012 under reference 12/2345.

2. The Council continued to receive complaints that the use was residential. Further site visits made by Planning Officers dealing with the planning application and Enforcement Officers in the run up to the submission of this application confirmed that the 12 units had actually become residential. Following this, Planning Enforcement issued an enforcement notice, putting in place a time frame for the discontinuation of the residential use. This current application now seeks permission for *'redevelopment of building, including first floor extension, and increase in number of office units from 8 to 12, with installation of new front UPVC windows and 5 rooflights'*. Officers have visited the site and confirm that the site is not currently in residential use.

3. **Principle**

In terms of the mix, this proposal differs from the 09/2455 permission in that the proposed number of B1 units is being increased from 8 to 12 rather than being reduced from 8 to 6. The external alterations to the building are the same as those which were considered to be acceptable under original planning permission reference 09/2455. Additional cycle parking proposed this time around.

4. The subject site is not identified as a strategic employment area but is capable of providing employment in the locality and therefore the Council will seek to retain such sites which do not cause unacceptable environmental problems, as per adopted policy EMP9 of the UDP 2004. The conversion results in the

subdivision of the space but also increases the internal floorspace by approximately 38m². The floorspace has been increased through the reduction of the width of the existing U shaped structure leaving a 5.5m x 12.0m courtyard with cycle and bin storage. Therefore the conversion does not result in the loss of employment space and the principle remains acceptable.

5. Adopted policy EMP10 of the Unitary Development Plan 2004 seeks to ensure that residential areas are not unduly impacted from employment developments and that those developments should have regard to appearance; noise; dust; pollution; hours of use; access and servicing. The site being a Local Employment Site, is considered to be appropriate for a continued B1 use. Due to its location in close proximity to housing however, the employment use will be restricted within Use Class B1, by condition and therefore full planning permission will be required for any proposed change of use not within this use class. This is the same restriction that was applied when issuing the original permission under reference 09/2455.
6. **Redeveloped building**
The physical changes to the building are the same as that which was granted permission under reference 09/2455. The original structure is 6.2m in height at the residential boundary of Chaplin Road, featuring a sloping roof measuring 7.0m at its highest point. The proposal reduces the maximum height to 6.2m, this is an improvement upon the previously existing structure in terms of residential amenity, and is therefore welcomed. The front walls of the existing building will be extended inwards by 1.2m. This reduces the internal courtyard for vehicle manoeuvre however it is not considered to impact residential amenity or the character and appearance of the area. Officers would be concerned if any building increased in height due to the impact that it would inevitably have on people living nearby. However, this is not the case here.
7. **Parking, servicing and refuse/recycling**
Parking standards for B1 offices are set out in PS6 of the UDP-2004. 1 car space can be permitted for units per 150sqm floor space, with standard PS2 allowing a space for any units below this threshold. The permitted unimplemented use of the existing premises is as 6 no. B1 office units, equating to 6 car spaces, rising to 12 spaces for the proposed layout. This increase is very significant and there is no space on-site to accommodate further car parking. The lawful mix of 8 units still results in a significant increase to 12.
8. The local CPZ would not prevent non residential parking along Chaplin Road through the rights of business users to apply for parking permits, and this could put additional strain on the residents parking on a designated heavily parked street. Therefore the applicant would have to enter into a car free agreement that would restrict the ability of business users to apply for parking permits in order for Officers to support the scheme.
9. There are also servicing requirements associated with commercial uses, whereby units below 100m² require servicing by transit sized vehicles (6m x 2.5m). This proposal therefore doubles the number of bays required from the approved scheme from 6 to 12 and it is clearly not possible to provide each unit with its own bay.
10. The centre of the site comprises a courtyard 5.5m wide by 12m long, which can at the very most accommodate two "Transit" sized servicing bays, although even with this provision makes turning and manoeuvring a vehicle within the site extremely difficult. It will therefore be necessary to share any servicing space within the site between the units. To help this to operate efficiently, a full Delivery and Servicing Management Plan will be required, to be properly secured via S106 Agreement, setting out the means by which tenants will be required to co-operate to pre-schedule deliveries within rigid time-slots.
11. The proposed refuse and recycling storage facility is located approximately 25m from the highway, within the site. As a commercial development, the site's occupants will need to make their own arrangements for the collection of refuse. The provision of cycle parking is welcomed in principle, at a rate of 1 space per office. Strictly speaking though, standard PS16 requires a minimum of 2 spaces per office unit, so the number of spaces provided should in fact be increased from 12 to 24. A stacking two-tier system could be considered as a means of achieving this. The matter will be conditioned.
12. As fire access to this site cannot be guaranteed, the applicant should talk to the Fire Service and Building Control regarding requirements for dry risers, sprinkler systems etc, and an informative will be attached to this permission emphasizing this point.
13. **Replacement windows & Rooflights**
The fenestration and rooflights in this application are the same as that which was granted 17/03/2010 under reference: 09/2455. As per the original approval, in consideration to policy EMP10, existing

windows at ground and first floor level on the flank wall facing the rear gardens of Chaplin Road were removed. The result is that there are no windows which have overlooking implications in adjoining gardens. The proposal includes the installation of four rooflights/lanterns sited on the first floor roof, these will project 0.3m from the flat roof to provide increased daylighting within office units and stairwells and will not increase the impact.

14. Section 106 Planning obligations, Community Infrastructure Levy (CIL)

For the purposes of calculating CIL, the Local Authority may deem the internal gross floor area of existing building to be zero given that it is in an unlawful use, and has not been in lawful use for at least six months of the previous year. As such CIL payments would be chargeable at an amount of £17,319.82 for the Mayoral CIL and a nil charge for Brent CIL as B1 uses attract a zero charge. As set out above, A Section 106 Agreement will be required in order to secure the following;

- The production and approval of a detailed Delivery and Servicing Management Plan for the proposed units, in order to comply with Policy TRN34 of the UDP-2004
- Car free agreement preventing businesses occupying the units applying for business permits.

15. Consideration of Objections

<i>Objection</i>	<i>Officer's response to objection</i>
Applicant has implemented unlawful residential conversions in the past and gained established use through certificate of lawfulness, and does not intend to utilise this site for B1 use and is likely to convert to residential under new permitted development legislation 16.	Officers have to base an assessment on the proposal before them and have the appropriate avenues for pursuing breaches of planning when they occur. Members are aware of the changes to prior approval recently introduced by government.
The unlawful residential use has resulted in refuse build up as the units are not registered for refuse collection, resulting in environmental health hazard and pests	The proposed B1 use will need to have its own dedicated refuse collection organised as is the case with commercial uses. If this does not occur the Council have the appropriate means of environmental health enforcement
There has been a lack of a joined up approach on the Councils part when handling this site, that has allowed the applicant to get away with unlawful activities with detrimental impact toward neighbours	Planning Officers have been closely involved with Enforcement Officers in the handling of this and previous applications, resulting in an enforcement notice being served against the previous residential use. The submission of this application does not have any baring on the instructions set out in the enforcement notice, which have required residential uses to cease at the property.
Building works have, in the past, been carried out at unsociable hours which have caused disturbances to neighbouring amenity	The works on site have for the most part been already carried out. Any future development resulting from the discharging of planning conditions will be controlled by condition 3.

Summary

The proposed refurbishment of the two storey office block would not result in a building which is higher than the existing structure and should not therefore, cause undue loss of amenity to neighbouring residents. In terms of parking, the proposal increases the proportion of floorspace by approximately 38 square metres, but due to the restricted courtyard area, it would not result in an increase of onsite parking. In addition non-residential parking will be prevented on-street through a car free agreement. Concerns expressed by adjoining occupiers have been considered carefully when dealing with this application, and this report sets out that where the Council is able to apply controls to address matters, it has done through planning condition and Section 106 agreement. In consideration of the above, the application is deemed acceptable in relation to

policies BE9 and EMP10 of the UDP 2004.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

- (1) The proposed development is in general accordance with policies contained in the:-

Brent Unitary Development Plan 2004

Council's Supplementary Planning Guidance 17 'Design Guide for New Development'

Relevant policies in the Adopted Unitary Development Plan are those in the following chapters:-

Built Environment: in terms of the protection and enhancement of the environment

Employment: in terms of maintaining and sustaining a range of employment opportunities

Transport: in terms of sustainability, safety and servicing needs

CONDITIONS/REASONS:

- (1) The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s):

12/20/1 rev B

12/20/2 rev B

Reason: For the avoidance of doubt and in the interests of proper planning.

- (2) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) and the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) the use hereby permitted shall only be for the purpose of Use Class B1.

Reason: No separate use should commence without the prior approval of the Local Planning Authority for the following reasons:-

(a) so as to enable other uses to be considered on their merits;

(b) so that the use does not prejudice the amenity of the area by reason of over intensive use of the property;

(c) because of the limitations of the site;

(d) so that the use complies with the Council's adopted policies;

(e) so as to restrict the use of the premises to one compatible with the surrounding area because other uses within the same Use Class or another Use Class are not necessarily considered to be acceptable in this location.

- (3) During construction on site:-

(a) - The best practical means available in accordance with British Standard Code of Practice B.S.5228: 1984 shall be employed at all times to minimise the emission of noise from the site;

(b) - The operation of site equipment generating noise and other nuisance-causing activities, audible at the site boundaries or in nearby residential properties, shall only be carried out between the hours of 0800 - 1700 Mondays - Fridays, 0800 - 1300 Saturdays and at no time on Sundays or Bank Holidays;

(c) - Vehicular access to adjoining and opposite premises shall not be impeded;

(d) - All vehicles, plant and machinery associated with such works shall at all times be stood and operated within the curtilage of the site only;

(e) - No waste or other material shall be burnt on the application site;

(f) - All excavated topsoil shall be stored on the site for reuse in connection with landscaping.

(g) - A suitable and sufficient means of suppressing dust must be provided and maintained.

Reason: To limit the detrimental effect of construction works on adjoining residential occupiers by reason of noise and disturbance.

- (4) The courtyard shall be available for the servicing of the units at all times in accordance with the required Delivery and Servicing Management Plan and for no other purpose.

Reason: To ensure the property can benefit from uninterrupted off street servicing which does not disrupt pedestrian and vehicular access on Chaplin Road.

- (5) Details of the provision of a minimum of 24 secure cycle parking spaces shall be submitted to and approved in writing by the Local Planning Authority no later than 3 months after this decision is issued. Thereafter the development shall not be occupied until the cycle parking spaces have been laid out in accordance with the details as approved and these facilities shall be retained.

Reason: To ensure satisfactory facilities for cyclists.

INFORMATIVES:

- (1) The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk
- (2) As fire access to this site cannot be guaranteed, the applicant should seek guidance from the Fire Service and Building Control regarding requirements for dry risers, sprinkler systems etc.

Any person wishing to inspect the above papers should contact Samuel Gerstein, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5368